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OFFICE OF SECRETARY

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**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Re: **In the Matter of Advanced Television Systems and Their  
Impact upon the Existing Television Broadcast Service, MM  
Docket No. 87-268**

Dear Mr. Caton:

On behalf of Grupo Televisa, S.A., we are transmitting herewith an original and nine copies of "Reply Comments" in the above-referenced proceeding.

A "Return Copy" of this filing is also enclosed. Please date-stamp the "Return Copy" and return it to confirm your receipt.

Respectfully submitted,

*Barbara K. Gardner*

Barbara K. Gardner

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Enclosures

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BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Advanced Television Systems )  
and Their Impact upon the )  
Existing Television Broadcast )  
Service )

MM Docket No. 87-268

To: The Commission

**REPLY COMMENTS OF GRUPO TELEVISA, S.A.**

Grupo Televisa, S.A. ("Televisa"), by its attorneys, hereby replies to comments on the Commission's Sixth Further Notice of Proposed Rule Making in the above-captioned proceeding, 11 FCC Rcd 10968 (1996) ("Sixth Further NPRM"), focusing primarily on those submitted by the ad hoc group of over 600 broadcast television stations, networks, and trade associations ("Joint Broadcasters").

Televisa is encouraged that the Joint Broadcasters not only acknowledge the importance of coordinating U.S. DTV allotments with present and future Mexican allotments, but also point out a dozen instances where the FCC's draft DTV Table of Allotments proposes U.S. DTV channels too close to adjacent or co-channel allotments in Mexico. Nevertheless, the Joint Broadcasters' proposals are insufficient to cure these problems, because they fail to adhere

to the existing U.S.-Mexico Agreements<sup>1</sup> governing spectrum allocation along the border. As is now shown, the Joint Broadcasters' approach admits to the existence of conflicts, yet dramatically underestimates the extent of the interference these conflicts are likely to cause, while virtually ignoring the existing bilateral agreements governing the allotments that will create such interference.

**I. THE JOINT BROADCASTERS' PROPOSED "COORDINATION REGION" BETWEEN THE UNITED STATES AND MEXICO VIOLATES THE EXISTING U.S.-MEXICO VHF AND UHF AGREEMENTS BY ENCOMPASSING AN AREA TOO SMALL TO PREVENT SIGNAL INTERFERENCE.**

Televisa fully agrees with the Joint Broadcasters' belief that all U.S. DTV assignments must be coordinated with present and future Mexican allotments.<sup>2</sup> As explained in Televisa's initial comments on the Sixth Further NPRM, the U.S.-Mexico VHF and UHF Agreements govern all channel allotments along the border, and until such time as these Agreements are modified by the proper U.S. and Mexican authorities, they remain the binding law of the United States. Both Agreements set out geographic boundaries within which the Agreements govern.

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<sup>1</sup> 1962 United States-Mexico VHF Television Agreement, as modified in 1988 ("VHF Agreement"); 1982 Agreement Relating to Assignments and Usage of Television Broadcasting Channels in the Frequency Range 470-806 MHz (channels 14-69) Along the United States-Mexico Border, as modified in 1988 ("UHF Agreement").

<sup>2</sup> Joint Broadcasters Comments at 19.

For VHF stations, the VHF Agreement applies to all areas within 400 km of the border,<sup>3</sup> and for UHF stations, the UHF Agreement applies to all areas within 320 km of the border.<sup>4</sup>

The Joint Broadcasters' proposal would severely shrink the areas now governed by the VHF and UHF Agreements. In their comments, the Joint Broadcasters propose a "coordination region" of 250 km on each side of the U.S.-Mexico border within which no channel assignments or changes could be made without consultation between the FCC and the appropriate Mexican officials.<sup>5</sup> However, *this "coordination region" is 150 km smaller on each side of the border than the existing VHF non-interference region, and 70 km smaller than the existing UHF non-interference region.* Until proper negotiations between the appropriate U.S. and Mexican officials result in a new or modified agreement governing spectrum allocation along the border, Televisa respectfully submits that the Commission is precluded from adopting the Joint Broadcasters' smaller "coordination region." Indeed, at present, no UHF DTV allotments within 320 km of the common border, and no VHF DTV allotments within 400 km of it, may be made except through consultation between the appropriate U.S. and Mexican authorities.

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<sup>3</sup> VHF Agreement, § A, para. 1.

<sup>4</sup> UHF Agreement, § A, para. 1.

<sup>5</sup> Joint Broadcasters Comments at 20.

**II. THE JOINT BROADCASTERS' PROPOSAL EITHER FAILS TO CONSIDER, OR INSUFFICIENTLY ADDRESSES, INTERFERENCE SPACING REQUIREMENTS MANDATED BY THE VHF AND UHF AGREEMENTS.**

The UHF Agreement establishes minimum mileage separation requirements designed to address several types of potential interference, including co-channel, adjacent channel, IF beat, intermodulation, oscillator, sound image, and picture image interference.<sup>6</sup> The VHF Agreement specifically sets out co- and adjacent channel separation requirements.<sup>7</sup> The Joint Broadcasters' proposal ignores all these requirements except for the co-channel spacing requirement, and even here, the Joint Broadcasters disregard the VHF and UHF Agreements. For co-channel stations, the VHF Agreement mandates a minimum separation of 305 km for VHF stations,<sup>8</sup> while the UHF Agreement mandates a minimum separation of 280 km for UHF stations.<sup>9</sup> The Joint Broadcasters' proposal that no U.S. DTV channel be assigned within 155 km of any co-channel Mexican station<sup>10</sup> shortens the minimum distance for VHF co-channel assignments by 150 km,

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<sup>6</sup> See UHF Agreement, Table C.

<sup>7</sup> See VHF Agreement, § H.

<sup>8</sup> VHF Agreement, § H, para 1. In fact, within much of the border areas, the VHF Agreement requires a separation of 355 km. See id., § H, para. 1(a).

<sup>9</sup> UHF Agreement, Table C. Like the VHF Agreement, the minimum co-channel separation increases in certain designated areas along the border. In these areas, the minimum co-channel separation is 330 km. See id.

<sup>10</sup> Joint Broadcasters Comments at 20.

and for UHF co-channel assignments by 125 km.<sup>11</sup> Televisa strongly opposes this proposal, and indeed would protest any co- or adjacent-channel U.S. DTV allotment within 320 km of the border for UHF frequencies (or 400 km for VHF frequencies) that does not conform to the separations required by the existing bilateral Agreements.

While Televisa acknowledges that the implementation of DTV in the United States will foster technological advances that may reduce signal interference to less significant levels than are currently present in NTSC broadcasts, it is not clear to what extent interference of each type covered in the existing Agreements will still exist. At present, Televisa has no reason not to believe that the protections provided by the existing bilateral Agreements, namely, larger interference protection areas, greater co- and adjacent minimum mileage separations, and separations for the other types of interference listed above, will remain necessary to protect Mexican NTSC stations from U.S. DTV interference. Indeed, the Commission's own list of apparent signal conflicts between existing Mexican NTSC allotments and U.S. DTV allotments proposed in the Sixth Further NPRM's draft DTV Table, as well as Televisa's recent experience with a proposed experimental DTV station in southern California, suggest to Televisa that interference problems will continue to exist at significant levels even in a technologically advanced DTV world.

Following preparation of its draft DTV Table of Allotments, the Commission found *fifty-*

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<sup>11</sup> Although the Joint Broadcasters cite two situations where the FCC's draft DTV Table of Allotments proposes assignments too close to adjacent channel allotments in Mexico, Joint Broadcasters Comments at 20 n.41, they offer no general proposal for minimum adjacent channel separations.

seven apparent conflicts between the draft DTV Table and Mexican NTSC UHF allotments, based upon the separation requirements mandated by the VHF and UHF Agreements.<sup>12</sup> Because the Joint Broadcasters have basically discarded these separation requirements in their proposed allotment scheme, their claim to have eliminated potential conflicts between the FCC's proposed U.S. DTV allotments and Mexican NTSC allotments is meaningless.<sup>13</sup>

Indeed, engineering reports prepared by KTLA, Inc. ("KTLA") in its pending application to construct an experimental DTV broadcast television facility in the Los Angeles area provide real-world evidence of the interference problems that will continue to exist with DTV facilities. In its application, KTLA proposes to construct an experimental facility on Channel 12, a channel allotted to Mexico under the VHF Agreement and assigned by the Mexican government to Televisa-owned XEWT, Tijuana, Mexico. KTLA's experimental facility would broadcast at substantially lower power levels than an actual full service DTV facility. KTLA's proposed transmitter site is 214 km from XEWT's transmitter, far closer than the required co-channel separation of 305 km under the VHF Agreement. In its application materials, which utilized

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<sup>12</sup> See Attachment 1. For example, the Commission's DTV allotment for NTSC Channel 5 in Los Angeles, California, is DTV Channel 33, which is 211.4 km from a co-channel Tijuana station, almost 70 km closer than the required separation under the UHF Agreement. Similarly, the Commission's DTV allotment for Channel 6 in Tucson, Arizona, is DTV Channel 48, only 140.2 km (half the required distance under the UHF Agreement) from an existing co-channel allotment in Naco, Mexico. Id.; Sixth Further Notice at B-8, B-7. See also Sixth Further Notice at B-2-4 (explaining method of calculating DTV-to-NTSC interference reflected in draft DTV Table of Allotments).

<sup>13</sup> As Televisa's November 22, 1996 Comments in this proceeding noted, the Joint Broadcasters appear to have created at least one conflict of their own with the existing bilateral Agreements by proposing to allot Channel 6 to KTLA, Los Angeles, in direct contravention of the VHF Agreement. Televisa Comments at 6 n.14.

DTV propagation characteristics, KTLA admitted that its proposed experimental facility would cause predicted interference to XEWT.<sup>14</sup> If KTLA is admitting to the existence of interference *at 214 km* caused by its *reduced power* DTV facility, Televisa can only assume that permitting full power co-channel broadcasts with as little separation as 155 km, as the Joint Broadcasters propose, will compound and magnify the interference problems reflected in the Commission's own draft DTV Table.

KTLA has attempted to justify interference to XEWT on its belief that Mexican broadcast signals are protected only within Mexico itself. In light of their proposal, Televisa can only infer that the Joint Broadcasters share this belief. A recent FCC Report describing the general extent of protection afforded Mexican television stations, however, definitively refutes this notion. In discussing the difference between the U.S. agreements with Canada concerning television broadcasting and those entered into with Mexico, the Report states:

With regard to Canadian Agreements, interference from a new station to an existing station is permissible as long as the interference zone occurs over water or within the land areas of the administration proposing the new station. ***With regard to Mexico, no interference overlap is permissible.***<sup>15</sup>

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<sup>14</sup> KTLA, Inc. Technical Statement at 1-2 and Fig. 1 (In re Application of KTLA, Inc. For Authority to Construct an Experimental Broadcast Television Station on Channel 12 at Los Angeles, CA, File No. BPEXT-960829KE). See also KTLA, Inc. Opposition to Petition to Deny at 8 n.10.

<sup>15</sup> See 1995 Report: International Negotiations and Notifications Concerning Radio Services at 32 (Planning and Negotiations Division, International Bureau, FCC, dated April 1996) (emphasis added).



In other words, a U.S. signal is protected in Mexico, and a Mexican signal is protected in the United States. Any DTV allotment scheme which protects Mexican signals only within Mexico would violate the existing VHF and UHF Agreements, and would thus be impermissible.

In sum, the Joint Broadcasters' reliance on significantly reduced interference protection criteria is both factually and legally flawed. Their proposals should be rejected.

**III. IF THE COMMISSION ADOPTS KUSI-TV'S PROPOSAL TO ALLOCATE ADDITIONAL SPECTRUM TO BORDER AREAS, ANY NEW U.S. ALLOTMENTS MUST CONFORM TO THE VHF AND UHF AGREEMENTS AND NOT ADVERSELY IMPACT FUTURE MEXICAN DTV ALLOTMENTS.**

Channel 51 of San Diego, Inc., licensee of KUSI-TV, San Diego, CA ("KUSI") argues, among other points, that the process of allotting DTV spectrum for San Diego is complicated by that market's proximity to a large number of Mexican stations and unused Mexican allotments.<sup>16</sup> KUSI suggests that if the Commission does not allocate additional DTV spectrum nationwide, it should at least provide additional spectrum to the San Diego area due to the unique scarcity of frequencies available for DTV there.

Televisa does not object to the adoption of KUSI's proposal for additional U.S. DTV spectrum in congested border areas such as San Diego, provided, however, that the following two conditions are met: first, all additional allotments must be made in full conformity with the VHF and UHF Agreements, and, second, there can be no adverse impact on future Mexican DTV allocations.

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<sup>16</sup> KUSI Comments at 4.

**CONCLUSION**

For the foregoing reasons, the Commission should not adopt the Joint Broadcasters' well-meaning but inadequate proposals to address the coordination of U.S. digital television assignments with present and future Mexican television broadcast operations. Instead, the Commission should revise its draft DTV Table of Allotments in full conformity with the existing VHF and UHF Agreements which govern all television allotments along the U.S.-Mexico border.

Respectfully submitted,

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January 24, 1997

Its Attorneys

**Attachment 1**

**FCC's List of Conflicts Between Existing Mexican NTSC Channel Allotments  
and the Sixth Further NPRM's Draft DTV Table of Allotments**

Mexico City	NTSC Chn	USA City	DTV Chn	Actual Dist (km)	Req'd Dist (km)
=====	===	=====	===	=====	=====
BN EL SAUZAL	61	CA SAN DIEGO	46	91.9	120.0
BN ENSENADA	17	CA SAN DIEGO	17	97.0	280.0
BN ENSENADA	23	CA SAN DIEGO	23	123.4	280.0
BN ENSENADA	29	CA SAN DIEGO	29	123.5	280.0
BN ENSENADA	57	CA PALM SPRINGS	57	221.9	280.0
BN MEXICALI	14	CA EL CENTRO	14	74.6	280.0
BN MEXICALI	20	AZ YUMA	19	74.6	90.0
BN MEXICALI	38	CA ANAHEIM	38	268.8	280.0
BN MEXICALI	32	CA EL CENTRO	18	74.8	95.0
BN MEXICALI	49	CA HUNTINGTON BE	49	212.5	280.0
BN SAN TELMO	18	CA EL CENTRO	18	259.3	280.0
BN TECATE	49	CA HUNTINGTON BE	49	198.0	280.0
BN TECATE	67	CA ONTARIO	67	227.0	280.0
BN TECATE	67	CA SAN DIEGO	52	32.0	120.0
BN TIJUANA	21	CA LOS ANGELES	21	211.6	280.0
BN TIJUANA	27	CA LOS ANGELES	27	213.1	280.0
BN TIJUANA	21	CA SAN DIEGO	17	20.4	32.0
BN TIJUANA	33	CA LOS ANGELES	33	211.4	280.0
BN TIJUANA	33	CA SAN DIEGO	40	20.4	95.0
BN TIJUANA	45	CA RANCHO PALOS	45	153.4	280.0
BN TIJUANA	45	CA SAN DIEGO	40	20.4	32.0
BN TIJUANA	45	CA SAN DIEGO	46	20.4	90.0
BN TIJUANA	45	CA SAN DIEGO	52	20.6	95.0
BN TIJUANA	57	CA PALM SPRINGS	57	179.1	280.0
CH CIUDAD JUAREZ	32	TX EL PASO	36	7.4	32.0
CH CIUDAD JUAREZ	32	TX EL PASO	39	8.5	95.0
CH CIUDAD JUAREZ	44	TX EL PASO	36	7.4	32.0
CH CIUDAD JUAREZ	44	TX EL PASO	39	8.5	32.0
CH CIUDAD JUAREZ	44	TX EL PASO	51	6.4	95.0
CH CIUDAD JUAREZ	56	TX EL PASO	51	6.1	32.0
CH CIUDAD JUAREZ	56	TX EL PASO	53	5.2	32.0
CH CIUDAD JUAREZ	56	TX EL PASO	54	5.2	32.0
CH CIUDAD JUAREZ	56	TX EL PASO	60	8.2	32.0
CI PIEDRAS NEGRA	22	TX EAGLE PASS	18	4.5	32.0
CI SALTILLO	25	TX LAREDO	25	273.8	280.0
NL MONTERREY	34	TX HARLINGEN	34	260.3	280.0
SO CANANEA	26	AZ TUCSON	26	152.2	280.0

Mexico City	NTSC Chn	USA City	DTV Chn	Actual Dist (km)	Req'd Dist (km)
=====	===	=====	===	=====	=====
SO MAGDALENA	14	AZ NOGALES	14	119.3	280.0
SO MAGDALENA	20	AZ TUCSON	20	199.4	280.0
SO NACO	48	AZ TUCSON	48	140.2	280.0
SO NACOSARI	31	AZ TUCSON	31	246.4	280.0
SO NOGALES	22	AZ PHOENIX	22	247.4	280.0
SO PUERTO PENASC	19	AZ TUCSON	19	253.2	280.0
SO PUERTO PENASC	19	AZ YUMA	19	228.5	280.0
SO SAN LUIS RIO	44	AZ PHOENIX	44	270.8	280.0
SO SONOITA	25	AZ MESA	25	173.2	280.0
SO SONOITA	31	AZ TUCSON	31	196.4	280.0
SO SONOITA	47	AZ GREEN VALLEY	47	154.8	280.0
SO SONOITA	41	AZ TUCSON	41	154.8	280.0
TA MATAMOROS	54	TX HARLINGEN	61	40.4	95.0
TA MATAMOROS	54	TX LAREDO	54	269.8	280.0
TA MATAMOROS	65	TX BROWNSVILLE	58	42.3	95.0
TA NUEVO LAREDO	21	TX LAREDO	14	25.3	95.0
TA NUEVO LAREDO	21	TX LAREDO	25	1.1	32.0
TA NUEVO LAREDO	33	TX LAREDO	25	1.1	32.0
TA NUEVO LAREDO	57	TX LAREDO	54	5.2	32.0
TA REYNOSA	65	TX BROWNSVILLE	58	44.9	95.0

## CERTIFICATE OF SERVICE

I, Nicole M. Bachtell, hereby certify that true and correct copies of the foregoing Reply Comments of Grupo Televisa, S.A. were sent via first-class mail, postage prepaid, this 24th day of January, 1997, to the following:

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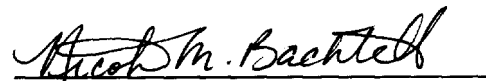
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